

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of )

Amendment of the Commission's Rules to )  
Permit Flexible Service Offerings in the )  
Commercial Mobile Radio Services )

WT Docket No. 96-6

TO: The Commission

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COMMENTS OF UTC

Pursuant to Section 1.415 of the FCC's Rules, UTC, The Telecommunications Association, respectfully submits the following comments on the *Notice of Proposed Rule Making*, FCC 96-17, released January 25, 1996, in the above-captioned matter.<sup>1</sup> In this proceeding, the FCC has proposed to expand permissible service offerings of Commercial Mobile Radio Service licensees to include, among other things, the offering of fixed communications services.

By way of background, UTC is the national representative on communications matters for the nation's electric, gas and water utilities, and natural gas pipelines. UTC's members range from large investor-owned electric and gas utilities serving millions of customers, to small rural electric cooperatives and water districts serving only a few thousand customers each. All utilities and pipelines depend on reliable and secure communications systems to carry out their underlying public service obligations. Although

<sup>1</sup> By Order, DA 96-225, the Comment and Reply Comment deadlines in this docket were extended to March 1, 1996, and March 25, 1996, respectively.

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utilities and pipelines have developed private communications systems for their most critical communications requirements, they are also among the largest users of commercial communications services. In addition, some of UTC's members are looking at opportunities to provide commercial communications or information services in the deregulated environment.<sup>2</sup> UTC is therefore pleased to have this opportunity to comment on the FCC's proposals in this docket.

UTC supports the ability of Commercial Mobile Radio Service (CMRS) providers to offer both fixed and mobile services. With the growth of applications such as wireless data services and various telemetry functions, the lines between "fixed" and "mobile" services are blurring. There is no public policy reason for restricting services to "mobile" terminals when the same service could be offered to users at "fixed" locations. Given the abundance of spectrum that has recently been allocated to the Personal Communications Services (PCS) and other Commercial Mobile Radio Services, there should be little concern that the essential character of this "mobile" spectrum will be transformed to a fixed service. Indeed, where licenses have been issued to commercial carriers through competitive bidding, the licensee should have the flexibility, subject to appropriate technical constraints, to offer fixed service, mobile service, or both.

In its initial Comments on the *Notice of Proposed Rule Making* in GEN Docket No. 90-314, UTC urged adoption of an expansive definition of PCS, that would permit all forms of wireless services.<sup>3</sup> UTC noted that the FCC's proposed definition of PCS would permit

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<sup>2</sup> See, e.g., Section 103 of the "Telecommunications Act of 1996," Pub. L. No. 104-104.

<sup>3</sup> "Comments of the Utilities Telecommunications Council," GEN Docket No. 90-314, filed November 9, 1992, at p. 22.

ancillary fixed operations, and supported the FCC's proposal to even allow some primarily fixed operations, such as "wireless access" technologies for the local telephone loop. In its Comments on various petitions for reconsideration of the *Second Report and Order* in Docket 90-314, UTC again urged the FCC to clarify that by permitting fixed PCS services on an "ancillary" basis, the FCC would not attempt to set a quantitative limit on the amount of "fixed" service a PCS licensee could offer.<sup>4</sup>

Allowing wireless local loop services would support the competitive policies recently adopted in the Telecommunications Act of 1996. New Section 253 of the Communications Act, on the removal of barriers to entry, indicates strong Congressional support for the development of competitive telecommunications networks by preempting any state or local regulation that would "prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service." Given the FCC's exclusive authority over radio communications and its expanded authority to promote competition in both interstate and intrastate communications, the FCC is well within its authority to authorize the provision of wireless local loop services.

There is a bit of irony in the FCC's proposal to "re-allocate" the 1850-1990 MHz band for fixed service use. In creating a spectrum reserve in the 2 GHz band for emerging technologies, the FCC stated that "[f]requencies above 3 GHz were eliminated from consideration primarily because propagation characteristics in this range make such spectrum less practical for mobile operations -- 3 GHz is the upper operating limit for state-

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<sup>4</sup> "Comments on Petitions for Reconsideration," GEN Docket No. 90-314, filed by the Utilities Telecommunications Council, January 3, 1994, at p. 18.

of-the-art equipment for mobile use.”<sup>5</sup> While an argument could be made that the FCC’s proposal to “re-allocate” this spectrum for fixed use undercuts its original reallocation decision, this would be a largely academic exercise. However, protection of incumbent systems in the reallocated spectrum must be maintained to the same levels whether the emerging technology licensee offers fixed service, mobile service, or both. In this regard, UTC recommends that the FCC clarify that any licensee in the broadband PCS spectrum intending to provide fixed service must coordinate use of this spectrum in the same manner as for mobile service, giving due regard to the nature of the service expected to be rendered; *e.g.*, in determining probable location and number of remote transmitter units.<sup>6</sup>

With respect to the authorization of wireless local loop services on cellular and SMR spectrum, UTC recommends that similar considerations be given to avoid interference to other licensed radio systems. For example, SMR systems are typically licensed for mobile operations in a fairly well-defined geographic radius of a fixed base station facility. Use of these same channels to provide wireless local loop service would not necessarily entail the same system configuration, with the possibility that fixed transmitters could be deployed at great distance from the nominally authorized “base” station. Since interference protection is based on the geographic separation between the “base” station facilities and non-overlap of the service and interference contours of the base station facilities, the FCC may have to

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<sup>5</sup> *First Report and Order and Third Notice of Proposed Rule Making* in ET Docket No. 92-9, 7 FCC Rcd 6886 (1992), at para. 15.

<sup>6</sup> For example, under the alternative PCS/microwave coordination procedures published at Appendix E of the *Memorandum Opinion and Order* in GEN Docket No. 90-314, FCC94-144, released June 13, 1994, PCS licensees are expected to factor, among other things, the number of “mobiles,” the number of “outdoor portables,” and the number of “rooftop portables.”

specify geographic limits on the deployment of fixed transmitters in order to minimize the potential for interference to co-channel systems.

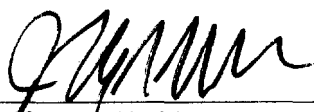
In addition to wireless local loop offerings, UTC supports the FCC's proposal to allow CMRS licensees to provide other fixed services, such as remote monitoring, telemetry, wireless Internet access, and electronic funds transfers. Many utilities, for example, are developing systems for automatic meter reading; remote connect/disconnect; time-of-day or time-of-use pricing; and energy management. "Wireless local loop" or other fixed wireless services might provide cost-effective means of providing these services.

**WHEREFORE, THE PREMISES CONSIDERED,** UTC respectfully requests the Federal Communications Commission to take action in this docket consistent with the views expressed herein.

Respectfully submitted,

UTC

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